

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:18-CR-185 ALM
§
JESSIE RAY LEMASTER §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 29, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On November 5, 2014, Defendant was sentenced by the Honorable Ed Kinkeade, United States District Judge, Northern District of Texas, to a sentence of thirty-three (33) months imprisonment followed by a three (3) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute a Controlled Substance. Defendant began his term of supervision on July 15, 2016. This case was transferred to the Honorable Amos L. Mazzant on September 21, 2018.

On October 5, 2018, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess a controlled substance. Defendant shall refrain from any unlawful use of a controlled substance; and (3) Defendant shall refrain from

excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On August 23, 2017, in Collin County, Texas, Defendant was arrested by the Allen Police Department for Possession of a Controlled Substance. Defendant was released from jail on August 24, 2017, on a \$2,500.00 bond. On July 26, 2018, Defendant pled guilty to the charges and was sentenced to two years probation; (2) On August 28, 2017, Defendant submitted a urine sample that tested positive for methamphetamine at the Plano, Texas probation office. Defendant admitted to using methamphetamine; and (3) On May 15, 2018, Defendant submitted a urine sample that tested positive for methamphetamine at the Plano, Texas probation office. Defendant admitted to using methamphetamine.

At the hearing, Defendant entered a plea of true to allegation 1. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the November 29, 2018, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no supervised release to follow. The Court further recommends that Defendant receive anger management treatment. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Seagoville, if appropriate.

SIGNED this 4th day of December, 2018.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE